



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

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PERS 00J6/20170324

April 24, 2017

Mr. Guy r. Macarol
John Marshall Veterans
Legal Support Center
315 S. Plymouth court
Chicago, Il 60604

Dear Mr. Macarol:

SUBJECT: YOUR INFORMATION REQUEST

This is in response to your Freedom of Information Act (FOIA) request in which you seek a copy of Navy MPM Article 3620270 in effect during 1985. Your request was received in this office (PERS-00J) on April 19, 2017, and has been assigned correspondence file CNPC20170324 by this command.

A copy of the responsive documentation is enclosed. If necessary, you may contact the undersigned at (901) 874-3165.

Sincerely,

A handwritten signature in black ink, appearing to read "D.P. German", with a long horizontal flourish extending to the right.

D.P. GERMAN
FOIA/PA Officer
By direction

ing including Enlisted Education Advancement Program, initial and advanced skill training schools which require obligation beyond initial enlistment contract, nuclear power field, advanced electronics field, and advanced technical field programs and similar programs; or

(4) has received special compensations (e.g., Enlistment Bonus or Selected Reenlistment Bonus) during the current enlistment.

b. A request for separation may be approved, as an exception to paragraph 1a, when in the judgment of Commander, Naval Military Personnel Command (NMPC-243), the request demonstrates overriding and compelling factors of a personal need justifying separation.

2. An alien requesting separation under this Article should be notified that any alien who applies, or has applied for, discharge from service in the Armed Forces of the United States on the grounds that the member is an alien, and is, or was, discharged from such service on such ground, shall be permanently ineligible to become a citizen of the United States, 8 U.S.C. 1426.

3. Nothing in this Article limits the separation of the member under any other article of this manual.

4. Procedure.

a. No alien may be separated under this Article while subject to any outstanding disciplinary actions.

b. Commanding officers shall forward the following information to the Commander, Naval Military Personnel Command (NMPC-243):

(1) A copy of the member's separation request;

(2) The commanding officer's recommendation;

(3) A copy of service record page 4, NAVPERS 1070/604, Navy Occupation/Training and Awards History; and

(4) A copy of any receipt for payments of bonuses.

5. Characterization of service or description of separation shall be Honorable, General or Entry Level Separation under the guidance provided in MILPERMAN 3610300.

3620270 SEPARATION OF ENLISTED PERSONNEL ON ACTIVE DUTY (INCLUDING ACTIVE DUTY FOR TRAINING) BY REASON OF PHYSICAL DISABILITY

1. A member on active duty or active duty for training in excess of 30 days may be separated by Reason of Physical Disability upon determination that he or she is physically unfit to perform the duties of his or her rate. Unfitness by Reason of Physical Disability is defined as a member's inability to perform the duties of his or her rate in such a manner as to reasonably fulfill the purpose of his or her employment on active duty. When separation from the naval service is indicated by Reason of Physical Disability, the member concerned will be reported upon by a medical board. The determination of a member's fitness for active naval service and/or entitlement to disability benefits, where found unfit, rests with the Secretary of the Navy as contained in SECNAVINST 1850.4 (series) (Disability Evaluation Manual (DEM) (LIMDIS)) unless the circumstances of the disability are more appropriately processed under paragraph 2.

2. A member may be separated on the basis of a physical disability existing prior to entry on active duty, not aggravated by active duty, as established by a medical board and not entitled to severance pay provided that:

a. The member has appeared before a medical board and such board has expressed affirmatively and specifically the opinion that the member is unfit, as that term is employed in SECNAVINST 1850.4 paragraph 0207, in that he or she is unable, because

of disease or injury, to perform the duties of his or her rank, in such a manner as to reasonably fulfill the purpose of his or her employment on active duty. In some cases it may be necessary to obtain from the member's command nonmedical evidence of inability to reasonably perform the duties of his or her rating. No member shall be discharged by reason of physical disability who does, in fact, meet the minimum standards for enlistment or induction as set forth in MANMED, Art. 15-6 and 15-30. Notwithstanding any other provision of this Manual, after a member has been enlisted, inducted or appointed, he or she will not be declared unfit for military service because of disabilities which existed at the time of his or her acceptance and have not interfered with his or her performance of effective military service. Such cases are to be submitted to the COMNAVMEDCOM (Code 26)* and Commander, Naval Military Personnel Command (NMPC-242).

b. The convening authority of the medical board concurs in the opinions of the board.

c. The member has been fully advised, by the convening authority of the medical board, of his or her right to demand a formal hearing before Physical Evaluation Board (PEB) discharge.

d. The member, after having been advised of his or her right to a formal hearing, certifies in writing, on form NAVMED 6100/3 (Medical Board Certificate Relative to a PEB Hearing) that he or she does not demand such a hearing prior to discharge. The counselor who has advised the member shall also certify on NAVMED 6100/3 that he or she has fully advised the member of his or her right to have his or her case considered before a Physical Evaluation Board.

e. There is no disciplinary action pending, including court-martial proceedings or investigative proceedings which might lead to court-martial; or Incompleted or suspended sentences of court-martial involving confinement or discharge, drug addiction, alcoholism, or homosexuality.

f. There is no indication that the member is under investigation which may lead to (or is being processed for) an administrative discharge by reason of performance, homosexuality or misconduct.

g. There is no evidence that the member is under investigation or is being processed as a security risk. (see DOD Directive 5210.31).

h. The member has not been granted a "waiver" of the physical standards for enlistment. If a waiver has been granted for the defect for which the member is now considered to be not physically qualified, the medical board report must be submitted for departmental review in accordance with the MANMED.

1. Refer to NAVMILPERSCOMINST 4650.2 for transportation entitlements pertaining to members separated under this paragraph.

3. Commanding Officers of Naval Training Centers, Recruit Training Centers, Navy Regional Medical Centers and Naval Hospitals; Naval Stations, Naval Air Stations and Submarine Bases in the United States (excluding Alaska and Hawaii); Naval Aerospace Regional Medical Center, Pensacola, FL; and Naval Submarine Medical Center, New London, are authorized to separate members under the basis outlined in paragraph 2 of this article.

4. Procedures.

a. Select the appropriate location for processing as follows:

(1) Where the convening authority of a medical board located within the contiguous United States is other than a Navy addressee the member shall be transferred, and the medical board report and the executed NAVMED 6100/3 certificate forwarded to the nearest naval separating activity for separation processing. Notwithstanding the foregoing, the commanding generals of Marine divisions are hereby authorized to separate Navy personnel on board while the division is within the contiguous United

States, vice transfer to the nearest Naval Station for separation processing.

(2) Where the convening authority of a medical board is the commanding officer of a NAVHOSP or NAVREGMEDCEN located outside the contiguous United States, the member shall be transferred, and the executed NAYMED 6100/3 certificate forwarded to the nearest naval station for further transfer to the nearest separation facility in the contiguous United States for separation processing.

(3) Where the convening authority of a medical board located outside the contiguous United States is other than one of the above, the medical board report and the executed NAYMED 6100/3 certificate shall be forwarded to COMNAVMIIPERSCOM via COMNAVMEDCOM (Code 26), and the members transferred to the nearest naval station for further transfer to the nearest separation facility in the contiguous United States to await department review of his or her case. The convening authority shall clearly indicate by message separation the facility to which the member is transferred to await departmental action.

b. If the member demands a formal hearing, or the convening authority of the medical board does not concur in all the opinions of the board required by paragraph 2 above, the medical board report shall be forwarded to the CPEB. This action shall be shown by endorsement on the medical board report.

c. When an addressee is of the opinion that a member qualified for discharge by reason of physical disability in accordance with this article, should be discharged by reason homosexuality, misconduct, or other reasons, the medical board report shall be forwarded to COMNAVMIIPERSCOM via COMNAVMEDCOM (Code 26) for action upon completion of such processing if then appropriate.

d. When the medical board is submitted to higher authority for final action, the convening authority of the medical board may, whenever he or she considers the member does not require further hospitaliza-

tion, release him or her from the sicklist and transfer him or her to an appropriate activity to await departmental action (Effect transfer in accordance with paragraph 19.03, TRANSMAN). The member shall not be sent home awaiting orders, granted other than emergency leave, or transferred to another activity. The convening authority of the medical board shall indicate in his or her endorsement on the medical board report of the temporary disposition effected and shall furnish an extra copy of the report to the new duty station. At the discretion of the new commanding officer, these members may be assigned such specific duties as are compatible with and will not aggravate their physical condition while awaiting departmental action.

5. Characterization of service description of separation shall be Honorable, General or Entry Level Separation following guidance in Article 3610300.

3620275 SEPARATION OF ENLISTED PERSONNEL ON INACTIVE DUTY BY REASON OF PHYSICAL DISABILITY

1. A member on inactive duty may be separated by reason of physical disability upon determination that he or she is not physically qualified to perform the duties of his or her rating on active duty in the Naval Reserve by reason of disease or injury. Not physically qualified by reason of physical disability is defined as a member's inability to perform the duties of his or her rate in such a manner as to reasonably fulfill the purpose of his or her employment on active duty.

2. When a member incurs a physical disability on active duty of 30 days or less, active duty for training, or inactive duty training (drill), separation is authorized under this article following the guidelines established in SECNAVINST 1770.3, Disability and Death Benefits for Naval Reservists.

3. Members who have been found to be physically not qualified for active duty or

	A	B	C	D	E	F	G
1	1981 New Article Numbers	Change Number/ Date	New Title	Sponsor	Old Article Numbers	Old Title	Remarks
453	3620245	CH 10/82 07JAN83	Separation of Enlisted Personnel at the Convenience of the Government on the Basis of Being a Sole Surviving Son or Daughter				CH 10/82 supercedes
454	3620250	CH 10/82 07JAN83 CH 7/83 26SEP83	Separation of Enlisted Personnel at the Convenience of the Government on the Basis of Obesity				CH 10/82 supercedes
455	3620260	CH 10/82 07JAN83	Separation of Enlisted Personnel at the Convenience of the Government - Alien				CH 10/82 supercedes
456	3620270	CH 10/82 07JAN83 CH 10/84 17SEP84 CH 1/86 29JAN86	Separation of Enlisted Personnel on Active Duty (Including Active Duty for Training)				CH 10/82 supercedes
457	3620275	CH 10/82 07JAN83	Separation of Enlisted Personnel on Inactive Duty by Reason of Physical Disability				CH 10/82 supercedes
458	3620280	CH 10/82 07JAN83 CH 7/83 26SEP83 CH 10/84 17SEP84 CH 7/85 01JUL85	Separation of Enlisted Personnel by Reason of Defective Enlistments and Inductions - Erroneous Enlistment				CH 7/83 Deletes Delayed Entry Program to Article 3630810